

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MARCH 24, 2003
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:30 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Drew Purvis, Planning Director; Claudio Sanchez; Acting City Engineer; and Lisa Pope, City Clerk

FLAG SALUTE

Frank Basso led the Pledge of Allegiance.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin reported that the Council met in closed session at 5:30 p.m. to discuss the following items:

Existing litigation per Government Code Section 54956.9 (a):

1. Cher v. City of Malibu
Los Angeles County Superior Court Case No. SS10632
2. Chicksands Properties LTD. v. City of Malibu et al.
Los Angeles County Superior Court Case No. BS072081
3. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410
4. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355
5. City of Malibu v. California Coastal Commission (AB988 / LCP)
Los Angeles County Superior Court Case No. SC074641
Related cases (city named as a party in interest):
 - a. Rick Appel v. California Coastal Commission

- Case No. SC074658
- b. Ralph Herzig v. California Coastal Commission
Case No. SS011382
- c. Land Use Preservation v. California Coastal Commission
Case No. SS011388
- d. Riverview Farm Associates v. California Coastal Commission
Case No. SS011383
- e. Brian Sweeney v. California Coastal Commission
Case No. SS011387
- f. Trancas-PCH v. California Coastal Commission
Case No. SC074640
- g. Tuna Ridge v. California Coastal Commission
Case No. SC011381
- h. Land Use Preservation Defense Fund v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011388
- 6. City of Malibu, et al. v. County of Ventura, et al. (Ahmanson Ranch)
Ventura County Superior Court Case No. CIV 216938
- 7. City of Malibu / Geffen v. Access for All / Coastal Commission et al
Los Angeles County Superior Court Case No. BC277034
- 8. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)
Ventura County Superior Court Case No. CIV193900
- 9. United States of America ex rel. Darian v. Accent Builders inc. et al.
United States District Court Case No. 00-10255-FMC(JWJx)
- 10. Keach v. City of Malibu
Los Angeles County Superior Court Case No. SS009723
- 11. Malibu Township Council v. City of Malibu II (28-car garage)
Los Angeles County Superior Court Case No. BS079965
- 12. Marine Forest Society v. California Coastal Commission Case No. 00AS00567
(Sacramento Superior Court) (Amicus)
- 13. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
- 14. Sprint v. City of Malibu et al
United States District Court Case No. SACV02660 DOC (MLGx)
- 15. Sweeney et al v. California Coastal Commission (LCP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011387
- 16. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu
Los Angeles County Superior Court Case No. BC258432
- 17. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585
- 18. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794
- 19. City of Arcadia, et al. v. Regional Water Quality Board, et al.
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753,
BS080758, BS080791
- 20. Trancas PCH v. City of Malibu

Los Angeles County Superior Court Case No. SC075668

Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):

21. Number of Cases: 2

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

22. Property APN: 4458-021-005 and 4458-022-012
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Tom Fitzpatrick

City Attorney Hogin reported that the Council discussed several but not all items listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

Mayor Jennings indicated the applicant had requested Item 4.B. be continued to April 28, 2003.

Councilmember Stern requested reordering the agenda to move Item 7.A. to be heard prior to Item 4.

MOTION

Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to approve the agenda with Item 4.B. continued to April 28, 2003 and Item 7.A. heard prior to Item 4. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on March 13, 2003, with the amended agenda posted on March 21, 2003.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Commendation to Kaye E. Evans, upon her retirement from the Malibu District Attorney's Office, for her service to the community

Mayor Jennings read a commendation to be presented to Kaye E. Evans at her retirement ceremony.

B. Proclamation Declaring March 24 – 29, 2003 as Safe Communities Week

Mayor Jennings read a proclamation declaring March 24 – 29, 2003 as Safe Communities Week.

C. Proclamation Declaring April 6 – April 12, 2003 as National Library Week

Mayor Jennings read a proclamation declaring April 6 – April 12, 2003 as National Library Week.

ITEM 2A. PUBLIC COMMENTS

Hayden Sohm thanked Councilmember House for her participation on the Pier Concession Award Board and the City for allowing the use of its facilities. He discussed State Parks position regarding Bluffs Park and indicated its willingness to work with the City.

Pete Hayes discussed the recent firing of Ralph's employees.

Carol Randall, Chair of Public Safety Commission, indicated the Commission unanimously directed her to request the Council direct the Commission to research the possibility of creating a standing traffic commission or subcommittee. She requested the Council direct the Public Safety Commission to proceed with the research and provide a recommendation to Council.

B. COUNCIL COMMENTS

Mayor Pro Tem Kearsley discussed the City's adopted Alpha Company and urged residents to send letters to the company. He discussed the One Book, One City kickoff event and encouraged the community to read the Catcher in the Rye. He requested a special City Council meeting to receive a presentation by the Vision 2020 Committee. He asked if the Public Safety Commission supported a traffic commission. Ms. Randall indicated the Public Safety Commission felt a focused group was necessary for traffic issues.

In response to Mayor Pro Tem Kearsley, City Attorney Hugin provided an overview of the Taxpayers for Livable Communities lawsuits and the judgments for each case. She stated the total cost of these cases was in excess of \$300,000 to date. Mayor Pro Tem Kearsley suggested money be spent on the children rather than "frivolous lawsuits."

Councilmember House thanked staff for their efforts in setting up the Council Chambers. She announced recent events she had attended. She discussed State Parks' position on the City's use of Bluffs Park. She indicated support for the Ralph's employees and indicated support for boycotting Ralph's. She encouraged the Council to provide direction to the Public Safety Commission to explore the possibility of a traffic subcommittee. Mayor Jennings suggested adding a discussion item to the Quarterly City Council meeting agenda.

CONSENSUS

By consensus, the Council directed staff to schedule a discussion of a potential traffic

commission at the April 30, 2003 Quarterly City Council meeting.

Councilmember House announced that the Forge Lodge item was continued to April 28, 2003. She discussed special trips offered by the Malibu Parks and Recreation Department. She discussed the “frivolous” lawsuits filed by Taxpayers for Livable Communities (TLC).

Councilmember Stern stated he was astonished with the cost of TLC lawsuits and stated the money could go to better uses. He stated he looked forward to working with State Parks regarding Bluffs Park. He wished Planning Director Purvis luck in his future endeavors.

Councilmember Barovsky discussed the TLC lawsuits and impact to the City. She indicated support for information on a traffic commission being discussed at the Quarterly City Council meeting. She thanked Planning Director Purvis for his service to the City.

Councilmember Stern indicated support for discussion of a traffic commission at the upcoming Quarterly meeting.

Mayor Jennings indicated he attended the Chamber of Commerce Installation Dinner. He discussed the recent meeting regarding wastewater treatment in the Civic Center area. He congratulated Planning Director Purvis on his private practice efforts.

CONSENSUS

By consensus, the Council directed staff to schedule a special City Council meeting for Saturday, April 12, 2003, 10:00 a.m., to discuss the Vision 2020 program.

Mayor Jennings stated the City looked forward to working with State Parks on the use of Bluffs Park.

Councilmember Barovsky complimented the Mayor for his efforts related to Bluffs Park.

Councilmember House thanked Planning Director Purvis for his work for the City.

Mayor Pro Tem Kearsley thanked Planning Director Purvis for his service to the City.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.6., 3.B.7., 3.B.8., and 3.B.9. were pulled by the public.

MOTION

Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to approve Item Nos. 3.B.1., 3.B.2., 3.B.3., 3.B.4., and 3.B.5. The motion carried unanimously.

City Clerk Pope indicated that Item Nos. 3.B.7. and 3.B.8. were not pulled by the public rather speaker slips were submitted in the event that the Council had questions.

MOTION

Mayor Pro Tem Kearsley moved and Councilmember Stern seconded a motion to approve Item Nos. 3.B.7. and 3.B.8. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Staff recommendation: To allow and approve warrant demand numbers 21479 through 21574 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 280 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$495,820.67. ADP payroll voucher numbers 2248929 – 2248944 were issued in the amount of \$159,453.04.

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on January 13, 2003 relating to the Pacific (Trancas area) Fire

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

4. Agreement for Professional Engineering Services for Las Flores Canyon Creek Restoration

Staff recommendation: Authorize the City Manager to execute a professional services agreement with CH2M Hill for an amount not to exceed \$25,000 to provide preliminary engineering services for the Las Flores Canyon Creek restoration project.

5. Morning View Drive Walkway, Phase II – Acceptance of Construction

Staff recommendation: 1) Accept the work by Timothy J. Ferrie on the Morning View Drive Walkway, Phase II as complete and authorize the City Manager to release all surety agreements and bonds except the Maintenance Bond; and 2) Declare Morning View Drive from Seastar Drive to the Pacific Coast Highway a Safe Route to School.

7. Population Allocation for California Department of Parks & Recreation Proposition 40 funds between the City of Malibu and the Point Dume Community Services District

Staff recommendation: 1) Authorize the allocation of a population of 1,852, approximately 14%, residing within the boundaries of the Point Dume Community Services District (PDCSD) for the purpose of Per Capita and Roberti-Z'berg fund calculations for Proposition 40 – the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Resources Bond) managed by the California Department of Parks and Recreation; and 2) Authorize the City Manager to execute any documents required to allocate a portion of the City of Malibu population to the PDCSD.

8. National Oceanic and Atmospheric Administration – John H. Prescott Marine Mammal Rescue Assistance Grant Application

Staff recommendation: Authorize the City Manager to execute any documents required to apply for a Federal grant (or grants) for up to \$100,000 per year for the calendar years 2003 and 2004 under the John H. Prescott Marine Mammal Rescue Assistance Grant Program administered by the National Oceanic and Atmospheric Administration.

The following items were pulled from the Consent Calendar for individual consideration:

6. Consideration of Approval of Amendment No. 2 to the Consultant Budget and Scope of Work Amendment for the Preparation of the Final Environmental Impact Report (EIR) for the Forge Lodge Bed and Breakfast

Staff recommendation: Approve Amendment No. 2 which amends the budget and scope of work to an agreement between Christopher A. Joseph and Associates and the City of Malibu and authorize staff to continue with the Environmental Impact Report (EIR) process for the Forge Lodge Bed and Breakfast.

Emily Harlow requested the item be postponed to determine how surrounding cities charged for appeals. She addressed the Council in opposition to the agreement amendment.

Planning Director Purvis explained the charges related to Environmental Impact Report preparation.

Mayor Jennings discussed the 20% administrative fee. Planning Director Purvis explained the work done by the EIR consultant and discussed the original scope of work. In response to Mayor Jennings, Planning Director Purvis indicated that the contract amendment would cover additional work required due to revised plans and alternative site plans.

Councilmember House questioned charges refuted by Ms. Harlow.

Mayor Jennings suggested referring the matter to staff to provide a summary of charges to the Council. He questioned additional charges for responding to comments.

CONSENSUS

By consensus, the Council referred the item to staff.

9. A Resolution of the City Council of the City of Malibu Disapproving the Final Subdivision Map Application for Tentative Subdivision Map Nos. 29273 and 32415 Located Near the Intersection of Trancas Canyon Road and Pacific Coast Highway in Western Malibu and Finding the Tentative Maps Expired
Recommendation: Adopt Resolution No. 03-15, A Resolution of the City Council of the City of Malibu finding the tentative map expired, disapproving the Final Subdivision Map application for Tentative Subdivision Map Nos. 29273 and 32415 located near the intersection of Trancas Canyon Road and Pacific Coast Highway in Western Malibu.

Alan Block requested the item be continued. He indicated he believed that the item required 10 days written notice, which had not been provided.

City Attorney Hogin stated there was no noticing requirement being that the matter before the Council was a ministerial duty. She discussed the pending Trancas Town lawsuit. She stated she was satisfied that the item was properly noticed.

In response to Councilmember Barovsky, City Attorney Hogin provided an overview of the proposed project and subdivision.

MOTION Mayor Pro Tem Kearsley moved and Councilmember Stern seconded a motion to adopt Resolution No. 03-15, a resolution of the City Council of the City of Malibu finding the tentative map expired, disapproving the Final Subdivision Map application for Tentative Subdivision Map Nos. 29273 and 32415 located near the intersection of Trancas Canyon Road and Pacific Coast Highway in Western Malibu. The motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Resolution Supporting Measure S
Staff recommendation: Adopt Resolution No. 03-13 supporting the June 2003 ballot measure known as "Measure S," Santa Monica – Malibu Unified School District Quality Public Education Preservation Act of 2003.

Kathy Wisnicki provided background information on Measure S, the school funding measure on the June 3, 2003 ballot. She discussed School District budget cuts. She urged the Malibu citizens to support the schools.

Laura Rosenthal thanked the Council for postponing the City's bond measure to allow the school funding measure to stand alone on the June 2003 ballot. She explained the proposed parcel tax to raise funds for schools within the Santa

Monica – Malibu Unified School District.

Councilmember Stern thanked the speakers and urged the Council to support the resolution in favor of Measure S.

Mayor Pro Tem Kearsley indicated the schools were in crisis. He pleaded with the residents to support the measure.

Councilmember Barovsky asked if 66.6% vote was needed. Ms. Rosenthal indicated that was correct and provided contact information for supporting the bond measure.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to adopt Resolution No. 03-13 supporting the June 2003 ballot measure known as “Measure S,” Santa Monica – Malibu Unified School District Quality Public Education Preservation Act of 2003. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Privatization of Zumirez Drive (South of Wildlife Avenue) (CONTINUED FROM MARCH 10, 2003)

Staff recommendation: Hold a public hearing and adopt Resolution No. 03-11 ordering the vacation of public street easements on Zumirez Drive (south of Wildlife Avenue) in the City of Malibu.

Robby Mazza deferred her time to John Mazza.

John Mazza discussed the rural character of Zumirez Drive. He requested the Council allow the street to remain under local control.

Jana Meek discussed the demographics of Zumirez Drive. She stated the purpose of privatization was to maintain safety on the road. She urged the Council to approve privatization.

Dusty Peak discussed the use of Zumirez to enter and exit Point Dume. He expressed concern that privatization would cause all cul de sac streets to be private. He questioned the maintenance levels of private streets. He expressed concern regarding the storm drain. He suggested the residents of Point Dume work together to address the problem of speeding and traffic.

Charlie de Garmo stated no guard gate would be installed on Zumirez Drive. He requested the Council approve privatization of the street.

Dona de Garmo discussed the wind conditions and need for use of the easement to maintain the trees that block the wind.

John Sibert addressed the Council in support of privatization of the street. He stated the street was narrow, winding, and rural with walkers. He stated the residents were not considering gates or speed bumps.

Skylar Peak declined to speak.

Richard Kirkland, speaking on behalf of his uncle Mr. Smith, discussed the rural character of Zumirez Drive. He requested the Council grant privatization of Zumirez Drive.

Frank Kerze discussed the rural character of Zumirez Drive and indicated support for the privatization.

Kim Ledouz stated she did not want streetlights or sidewalks and wanted to maintain the rural character of the road.

CJ Snyder addressed the Council regarding safety issues on Zumirez Drive and encouraged privatization of the road to allow the homeowners to deal with the problems.

Eileen Ryan Penn addressed the Council in support of privatization of the road in order to maintain its current condition.

Barry Tyerman indicated support for privatization of Zumirez Drive.

Michael McDonnell discussed the safety of children on the street and encouraged the privatization of Zumirez.

William Nelson expressed concern regarding maintenance costs, storm drain maintenance, and liability.

Mari Stanley discussed her previous requests, including signage, over the past three years related to safety on Zumirez.

Eric Zicklin addressed the Council in support of privatization of Zumirez Drive.

Ryan Embree expressed concern regarding the petitions, details in the staff report, insurance problems, need for uniform traffic control and design standards, and emergency access.

Alexis Adler deferred her time to Robert Adler.

Robert Adler indicated respect for Mr. Nelson's opinion. He stated there was no intention for a gate. He stated it was a quality of life issue. He stated the

residents of the street wanted the street to remain in its current conditions. He stated there was no intent to restrict access to the street. He stated there was 96% support for privatization. He urged the Council to vacate the easement.

Mayor Jennings asked who indicated sidewalks and street lights would be installed on Zumirez. Mr. Mazza explained that there was concern that future growth would drive installation of sidewalks and streetlights.

Mr. Adler discussed the proposed shuttle bus depot at Zumirez and Pacific Coast Highway.

Councilmember Barovsky discussed private roads throughout Malibu. She stated she did not understand how privatization would change the conditions of the road unless the road was gated. She discussed the formation of a homeowners association on Zumirez. She stated the City would not install sidewalks or lights due to cost and without the consent of the neighborhood.

In response to Councilmember Barovsky, City Attorney Hogin explained that the Council had to find that the road was unnecessary for any present of public use and the abandonment was in the public interest in order to vacate the road.

Councilmember Barovsky disclosed that she had a conversation with Mr. Mazza during which she expressed concern regarding potential installation of a gate. She suggested an ordinance be passed restricting gating private streets. She suggested privatization of Zumirez be reviewed by the Public Safety Commission.

Councilmember House asked if the appropriate Commission had reviewed the matter. She suggested the matter be reviewed by the Public Safety Commission.

Councilmember Stern indicated opposition to the matter being referred back to the Public Safety Commission. He indicated support for a citywide ordinance prohibiting gates on private streets. He stated he could support privatization of Zumirez Drive.

Mayor Pro Tem Kearsley stated he visited the street and it was like a country road. He discussed private streets declared as trails. He stated it was necessary for the Council to find evidence that the City street was no longer needed for public use. He indicated support for a citywide ordinance prohibiting gates on private streets.

Mayor Jennings stated he struggled with determining what would change by privatization. He stated he was convinced that there was no intention to gate Zumirez. He stated the only thing that would change is the ability of the public to use the street. He stated he walked the street, which is very narrow, with limited parking. He expressed concern about the precedent that would be set by

privatization of Zumirez Drive. He stated he was unwilling to support giving away the public's right to walk on the street based on the potential actions of successors.

MOTION Councilmember House moved and Councilmember Barovsky seconded a motion to refer the item to the Public Safety Commission requesting that they in turn make a recommendation to the Council. The motion carried 3-2, Mayor Jennings and Councilmember Stern dissenting.

CONSENSUS

By consensus, the Council requested staff bring back an ordinance prohibiting construction of gates on private roads at the Quarterly City Council meeting on April 30, 2003.

- B. APPEAL OF THE MALIBU FORGE LODGE BED AND BREAKFAST CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH #990410009) AND PROJECT APPROVAL - A new 28-unit bed and breakfast inn consisting of seven, four-unit, two-story buildings, a pool, and pool deck and 111 surface parking spaces on a site that is currently developed with a restaurant ("*Beaurivage Restaurant*"), office, boutique, storage facility and trailers. The existing boutique will be demolished and the on-site trailers and storage facility will be removed. Dave Brown/Sierra Club appealed on several grounds. (CONTINUED FROM JANUARY 27, 2003). APPELLANT: Dave Brown/Sierra Club; OWNER: Daniel and Luciana Forge; LOCATION: 26025 Pacific Coast Highway; (Northeast corner of Pacific Coast Highway and Corral Canyon Road); SITE ACREAGE: 4.81 Acres; ZONING: Commercial Visitor Serving (CV-1)
Staff Recommendation: Adopt Resolution No. 03-03 certifying the Final EIR; adopting the EIR Mitigation Monitoring and Reporting Program, and approving the project requests as proposed including Minor Modification (MM 02-025); Variance (97-017); Conditional Use Permit (CUP 96-019); Site Plan Review (SPR 96-064); and Commercial Plot Plan Review (PPC 96-029).

This item was continued upon approval of the agenda.

RECESS

Mayor Jennings called a recess at 8:40 p.m. The meeting reconvened at 8:55 p.m. with all Councilmembers present.

ITEM 5 OLD BUSINESS

- A. Comprehensive Local Coastal Program (LCP) Application – Review of Public Works Provisions (Continued from February 24, 2003)

Staff recommendation: Consider potential modifications to the September 2002 LCP and provide direction to the consultant for preparation of the LCP application.

Norm Haynie, Wastewater Advisory Committee, indicated support for the information presented in the staff report.

Planning Director Purvis presented the staff report.

Lloyd Zola, LSA Associates, provided an overview of the staff report.

The Council reviewed Land Use Plan (LUP) Chapter 7 (Public Works) and Local Implementation Plan (LIP) Chapters 17 and 18 (Water Quality Protection and On-site Wastewater Disposal Systems Standards) and provided the following direction to staff:

Locate all definitions in the Zoning Ordinance in one common location;

Amend LIP Section 17.52.060F1 to read as follows: "Alternative sanitization methods are required for new pools and spas. This may include no chlorine or low chlorine sanitization methods.";

Amend LIP Section 17.54.020 to have self implementing language to allow for implementation of AB 885; and

Change the definition of "Graywater" to conform to Graywater Ordinance.

ITEM 6 NEW BUSINESS

- A. Reorganization of Planning and Environmental Building Safety Departments
Staff recommendation: Adopt or approve the following actions: 1) Adopt Resolution No. 03-14 establishing employment classifications, the number of authorized positions in each classification, the compensation for these classifications and amending Section 4 of Resolution No. 02-20; 2) Reclassify six existing positions as outlined in the staff report; 3) Select up to two members of the City Council to provide historical insights to staff on the mission and vision contained in the General Plan; 4) Affirm the City Council's desire to proceed with a series of public meetings and workshops to confirm the direction the City wants to pursue regarding planning and development in the future and, if so, authorize the City Manager to engage Mark Winogrand of Planmark Associates to facilitate these workshops; and 5) Authorize the City Manager to execute a contract with Hogle-Ireland, Inc. for Interim Planning Director/Planning Manager services for a period of approximately four months.

City Manager Lichtig presented the staff report.

Sandra Genis suggested reviewing minutes and tapes of meetings and including people not currently on the City Council to review the historical background on establishment of the General Plan. She suggested any meetings be publicly noticed and open to the public.

Ozzie Silna expressed concern regarding selection of two members of the City Council to provide the vision of the intent of the City Council.

John Mazza discussed the proposed elimination of the Code Enforcement Officer. He discussed the need for staff training rather than interpretation of the General Plan. He discussed the importance of planning in the City of Malibu.

Patt Healy stated the Vision and Mission Statement of the General Plan indicates how the General Plan is to be interpreted.

Norm Haynie applauded the concept of a workshop. He stated General Plan policies should be reviewed along with implementing ordinances.

Ryan Embree expressed concern regarding the proposed departmental structure.

MOTION Mayor Pro Tem Kearsley moved and Councilmember Barovsky seconded a motion to adopt Resolution No. 03-14 establishing employment classifications, the number of authorized positions in each classification, the compensation for these classifications and amending Section 4 of Resolution No. 02-20.

Councilmember House indicated the Administration and Finance Subcommittee had discussed the proposal and recommended adopting staff's recommendation.

Councilmember Barovsky indicated support for the reorganization. She discussed the current Council's involvement in writing the General Plan. She asked about elimination of Code Enforcement Officer. City Manager Lichtig explained that the intent was to bring planners into the Code Enforcement process more directly which would assist with consistency, enhance code enforcement and maintain a very focused approach to implementing the Council's policy on code enforcement.

Mayor Pro Tem Kearsley discussed management practices including dual responsibilities and sharing of responsibilities.

Mayor Jennings indicated support for the reorganization and reclassifications. He discussed the permit process and consolidated transfer of plans.

The motion carried unanimously.

MOTION Mayor Pro Tem Kearsley moved and Councilmember Stern seconded a motion to reclassify six existing positions as outlined in the staff report. The motion carried unanimously.

MOTION Mayor Pro Tem Kearsley moved and Councilmember Barovsky seconded a motion to authorize the City Manager to execute a contract with Hogle-Ireland, Inc. for Interim Planning Director/Planning Manager services for a period of approximately four months. The motion carried unanimously.

Mayor Pro Tem Kearsley explained the purpose of selecting two members of the City Council to provide historical insights to staff on the mission and vision of the General Plan.

Councilmember House discussed changing planning staff and the need to discuss the purpose of the General Plan.

Councilmember Barovsky suggested Councilmember House and Mayor Jennings work to provide historical insight to staff.

Mayor Jennings and Councilmember House indicated they were willing to serve.

MOTION Mayor Pro Tem Kearsley moved and Councilmember Stern moved to appoint Mayor Jennings and Councilmember House to provide historical insights to staff on the mission and vision contained in the General Plan.

Mayor Jennings expressed concern that the Council speaks through the General Plan and ordinances. He stated he would be glad to talk to staff but was not willing to provide an “interpreted gloss”. He expressed concern regarding holding a public workshop with no agenda to confirm direction.

Mark Winogrand explained the intent of the workshop was to improve the communication between the Council, Planning Commission and staff.

City Attorney Hogin explained that the Council was not creating a decision-making body, rather assigning a limited duty to less than a quorum of the Council, to function with staff. She stated Mayor Jennings and Councilmember House were only being asked to share their own opinions and to, at most, report back to the Council as to how it went.

The Council confirmed the direction as indicated by the City Attorney.

The motion carried unanimously.

MOTION Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to affirm the City Council's desire to proceed with a series of public meetings and workshops to confirm the direction the City wants to pursue regarding planning and development in the future and authorize the City Manager to engage Mark Winogrand of Planmark Associates to facilitate these workshops.

In response to Councilmember House, City Manager Lichtig explained the proposed scope of Mr. Winogrand's services.

The motion carried unanimously.

ITEM 7 COUNCIL ITEMS

None.

ADJOURN At 10:07 p.m., Mayor Pro Tem Kearsley moved and Councilmember Stern seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of the City of Malibu
on June 9, 2003.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)